

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH AND GAME**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on March 13, 2003 at 3 P.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Dan McGee, Vice Chairman (R)  
Sen. Keith Bales (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Dale Mahlum (R)  
Sen. Trudi Schmidt (D)  
Sen. Debbie Shea (D)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jane M. Hayden, Committee Secretary  
Mary Vandenbosch, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 157, 3/13/2003  
Executive Action: HB 123 and HB 262

**Sponsor:** **REPRESENTATIVE DICK HAINES**

**Proponents:** **Janet Ellis**, Montana Audubon  
**Chris Smith**, Director of the Department of Fish, Wildlife, and Parks  
**Robert R. Throssel**, Montana Wildlife Federation

**Opponents:** None.

**Opening Statement by Sponsor:**

**REPRESENTATIVE DICK HAINES, House District 63, Missoula,** testified that HB 157 is a simple bill that eliminates the Water Fowl Stamp Program. In the first year of the Program, 48 artists entered the contest. In 1993, there were 18 entries, and in 1999, only 13 entries. In 2001 to 2002, there were only three entries. Duck stamps have saturated the market. Since a hunter can now receive a water fowl license via the computer, it is no longer reasonable to continue this Program. The fiscal note shows the cost to produce the stamps to be \$11,000, but it only generates \$10,000 for the State of Montana. The bill does three things: 1) it repeals the section of law that call for the stamp, 2) changes the money, and 3) cleans up the language.

**Proponents' Testimony:****EXHIBIT (fis53d01)**

**Chris Smith, Director of the Department of Fish, Wildlife, and Parks,** testified that the details of their support of HB 157 are in their exhibit. It is nothing more than another item on the ALS printout. The Fowl Stamp Program costs more than it generates. It would be better to spend the money on the habitat. We have been approached by the Montana Wildlife Federation with correction that is made on Page 1, Line 19, which strikes out the word sportsmen and supplants it with "sports interested persons," or perhaps a better replacement might be "water fowl hunters."

Janet Ellis, Montana Audubon, testified.

**EXHIBIT (fis53d02)**

**Opponents' Testimony:** None given.

**Informational Testimony:** None given.

**Questions from Committee Members and Responses:**

**SENATOR KEITH BALES** asked **Chris Smith** if the changes in HB 157 would be effective immediately, and are the licenses for this year is already on sale. What is the status? **Mr. Smith** stated that the statute requires FWP to produce the artwork.

**SENATOR BALES** asked **Mr. Smith** if he knew where we are as far as production for a Duck Stamp for next Fall. **Mr. Smith** explained that if HB 157 is passed and effective immediately, it would mean that FWP would not have an art contest or produce a separate stamp this year. **SENATOR BALES** asked **Mr. Smith** whether or not people can buy all their licenses in March. **Mr. Smith** explained that historically, people cannot buy them until Fall.

**SENATOR BILL TASH** asked **Chris Smith** if youths that trap have to be 12 years old or more, in the interest of consistency why does the law say the youth who hunt water fowl must be 16 years old or older. **Mr. Smith** responded that youths between the ages of 12 and 16 years of age can hunt water fowl.

**SENATOR TRUDI SCHMIDT** asked **Chris Smith** if he was talking about an amendment. **Mr. Smith** said there was an amendment which would change the language from "sports-interested person" to "licensed water fowl hunters."

**SENATOR GREG BARKUS** asked **Chris Smith** about Section 87-2-411, MCA, the migrating bird license, if there would be no license, but a stamp. **Mr. Smith** explained that under the current law, the stamp serves as the license. **SENATOR BARKUS** asked **Mr. Smith** if the water fowl license would be covered by the sportsman license that is bought at the beginning of the season. **Mr. Smith** answered with a no, and explained that a hunter would still need to purchase a water fowl license, but rather than manifesting itself in the form a stamp it would simply be another line on the automated license. The Legislature could amend the privileges granted by the sportsman license to include water fowl. Currently, the sportsman's license does not include water fowl.

**Closing by Sponsor:**

**REPRESENTATIVE DICK HAINES** testified that he had no problem with any of the suggested changes and urged the Committee to change any of the language it wants to HB 157.

**SENATOR MIKE SPRAGUE** appointed **SENATOR KEN HANSEN** to carry HB 157 after it is amended and Executive Action is taken on it.

**EXECUTIVE ACTION ON HB 262**

**Motion/Vote:** **SENATOR GREG BARKUS** moved that HB 262 BE CONCURRED IN. Motion passed unanimously. **SENATOR BARKUS** agreed to carry this HB 262.

**EXECUTIVE ACTION ON HB 123**

**SENATOR DAN MCGEE** suggested an amendment on Page 2, Line 4, after the word age strike the comma(,) "upon making through Line 5 through the Department comma (,)." So the section would read "youths six years of age or older and less than 12 years of age may receive a Class 3 License."

**SENATOR MIKE SPRAGUE** suggested to **SENATOR MCGEE** that the word "application" would need to be kept. **SENATOR MCGEE** then revised his amendment to read "upon making application, may receive a Class 3 License." **SENATOR MCGEE** said he would amend his amendment to striking the words on Line 5, and making a payment of a \$3 fee to the Department, and strike that, so the commas stay.

**SENATOR BALES** stated that he was of the opinion that if we are not going to have a fee or anything else, why in the world even do an application and have a license. Why not just make it so they can go and do this?

**SENATOR MCGEE** asked **Chris Smith** if FWP tracks these licenses. Is this something that you try to account for--how many rabbits the 6 to 12 year olds took? **Mr. Smith** answered that with respect to rabbits, rabbits are non-game animals, so they do not count. Since there is not a specific reference here to the limitation for youth licenses to trapping mink and muskrat that must be an FWP Commission Rule. If the Committee were to go beyond eliminating the fee and eliminate the licensing requirement, then we would need to amend the FWP Commission Rules. We would also need to look at whether or not by eliminating the youth license whether that would also eliminate the opportunity for someone less than 12 years of age to trap at all.

**SENATOR SPRAGUE** asked **Chris Smith** if the reverse of that, if the youth do not know that they have to play by the rules, what would inhibit them from going out trapping, catching and wounding and causing problems. **Mr. Smith** stated that in the assumption that we are discussing, wherein the entire Section eliminated, to eliminate the youth trapping license. That may mean that if there is no youth trapping license, there may not be any way for a youth to trap anything. I suspect under FWP Commission Rules, the Commission has authorized a person who holds a youth trapper license to trap mink and muskrat. So if the Committee eliminates the youth license then there is no way for a youth to trap at all.

**SENATOR BARKUS** asked **Chris Smith** how is youth fishing handled. Kids under the age of 12 do not need a fishing license.

**Mr. Smith** stated that he believes that is authorized by FWP Commission Rule that youth under age 12 can fish without a license, and youths between the ages of 12 and 16 need only a conservation license. These are probably the same provisions for the youth trapping license.

**SENATOR BILL TASH** spoke about the proposed amendment and thought it was important for the youth to have a license because there is a certain distinction of being able to say, "I have had a license to trap since I was six."

**SENATOR DAN MCGEE** moved his suggested amendment on Line 5 that strikes "and payment of the fee of \$3 to the Department."

**SENATOR KEITH BALES** asked **SENATOR MCGEE** if he wanted to change it so it would state that "application would be made to the Department." **SENATOR MCGEE** agreed.

**Mary Vandenbosch** offered to write the amendment correctly. **SENATOR MCGEE** agreed with **Ms. Vandenbosch** and **SENATOR BALES**.

**SENATOR DEBBIE SHEA** called the question to remove the \$3 fee only on HB 123.

**Motion/Vote:** **SENATOR SHEA** moved that HB 123 BE AMENDED. Motion passed 9-1 with **SENATOR SPRAGUE** voting no.

**Motion/Vote:** **SENATOR MCGEE** moved that HB 123 BE CONCURRED IN AS AMENDED. Motion carried unanimously. HB 123 will be carried by **SENATOR SHEA**.

**ADJOURNMENT**

Adjournment: 5 P.M.

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SEN. MIKE SPRAGUE, Chairman

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JANE M. HAYDEN, Secretary

MS/JMH

**EXHIBIT**(fis53dad)